

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

CHARLES LEE THORNTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV0079-CDP
)	
CITY OF KIRKWOOD,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO COMPEL

COMES NOW Defendant City of Kirkwood (“Kirkwood” or “Defendant”), by and through its undersigned counsel, and for its Motion to Compel Plaintiff Charles Lee Thornton (“Plaintiff”) to produce his Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, states as follows:

1. On March 30, 2007, this Court entered a Case Management Order.
2. Pursuant to the Case Management Order, all parties were required to produce Initial Disclosures no later than April 9, 2007.
3. Defendant served its Initial Disclosures and accompanying documents via U.S. Mail to Plaintiff on April 9, 2007.
4. To date, Plaintiff has not submitted his Initial Disclosures as required by Rule 26(a)(1) and the Case Management Order.
5. In an effort to resolve this dispute, Defendant’s counsel sent the correspondence attached hereto at Exhibit A to Plaintiff via facsimile and regular U.S. Mail on Thursday, April 12, 2007. Further, Defendant’s counsel contacted Plaintiff by telephone on Friday, April 13, 2007, but Plaintiff indicated that he was still working on the Initial Disclosures. Defendant’s

counsel indicated that they would not call up the Motion if they were to receive his Initial Disclosures immediately.

6. Defendant respectfully requests that this Court enter an Order compelling Plaintiff to produce his Initial Disclosures pursuant to Rule 26(a)(1) within three business days.

7. A proposed Order is attached hereto as Exhibit B.

WHEREFORE, Defendant City of Kirkwood respectfully requests that this Court grant its Motion to Compel and Order Plaintiff to pay its costs incurred herein, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ Jami L. Boyles
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Attorneys for Defendant City of Kirkwood

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served, via U.S. Mail, first class postage prepaid, to *pro se* Plaintiff **Charles L. Thornton** at 351 Attucks Street, Kirkwood, MO 63122, on this 13th day of April, 2007.

_____/s/ Jami L. Boyles

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PROPOSED ORDER

This matter is before the Court on Defendant City of Kirkwood’s Motion to Compel. For the reasons set forth in Defendant’s Motion to Compel, this Court hereby GRANTS Defendant’s Motion to Compel. Plaintiff is ORDERED to produce his Initial Disclosures within three business days.

SO ORDERED:

Dated: _____

Honorable Catherine D. Perry